

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Superior Technologies, Inc. d/b/a	:	
Superior Spectrum d/b/a Spectrum LD	:	
	:	
Application for a Certificate of Service	:	
Authority to Operate as Non-Facilities	:	02-0669
Based Reseller of Interexchange	:	
Telecommunications Services within	:	
the State of Illinois.	:	

ORDER

By the Commission:

On October 11, 2002, Superior Technologies, Inc. d/b/a Superior Spectrum d/b/a Spectrum LD ("Applicant" or "Superior"), filed a verified Application pursuant to Section 13-404 of the Public Utilities Act ("Act") with the Illinois Commerce Commission ("Commission") for a Certificate of Service Authority to provide resold interexchange telecommunications services in Illinois.

Pursuant to notice given in accordance with the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Chicago, Illinois on October 31, 2002. Applicant's Chief Executive Officer, David Puskala, testified in support of the Application. At the conclusion of the hearing on October 31, the record was marked "Heard and Taken".

Applicant, a Michigan corporation authorized to transact business in Illinois, seeks authority to provide resold interexchange services in Illinois. Applicant presented evidence demonstrating that it has the necessary technical, financial and managerial resources to provide the services set forth in its Application. Applicant furnished a Balance Sheet, Statement of Operations, and a Statement of Cash flow to demonstrate that it has the financial means support the services it will offer in Illinois. Applicant also submitted the resumes of its management team to establish that they have experience specific to the telecommunications industry and to business generally. Mr. Barton testified that Applicant will rely on its underlying carrier for technical support and that Applicant will adhere to all federal and state regulations regarding slamming and cramming.

Applicant has requested that the Commission make certain declarations and grant certain waivers of the requirements of the Public Utilities Act and from the rules and

regulations of the Commission. The services Applicant proposes to provide will be competitive telecommunications services as described in Section 13-502(b) of the Act. Applicant is required to file a tariff with the Commission under Section 13-501 of the Act describing the nature of its service, the applicable rates and charges and the terms and conditions of the service provided. If Applicant files the required tariff in compliance with Section 13-502(e) and the rules adopted thereunder in 83 Ill. Adm. Code 745, many of the provisions of the Act as well as regulations adopted by the Commission in Title 83 of the Illinois Administrative Code will be inapplicable to Applicant.

For interexchange service, Applicant should be granted a waiver of Part 710, the requirement to keep books and records in accordance with the Uniform System of Accounts, pursuant to Section 13-402 of the Act, in order to reduce the economic burdens of regulation on a telecommunications carrier that provides only competitive services. Applicant should also be granted a waiver of Part 735, governing credit, billing deposits, and termination of service, for the reasons stated hereinabove.

Applicant also has requested Commission approval to maintain its books and records at its principal place of business in Michigan, pursuant to 83 Ill. Adm. Code 250. Applicant's request should be granted in accordance with Section 5-106 of the Act.

The Commission, after reviewing the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Superior Technologies, Inc. d/b/a Superior Spectrum d/b/a Spectrum LD, a Michigan corporation authorized to transact business in Illinois, seeks a Certificate of Service Authority to provide resold interexchange telecommunications services in Illinois, and as such, seeks to become a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act;
- (2) the Commission has jurisdiction over Applicant and the subject matter herein;
- (3) as required by Section 13-404 of the Act, Applicant possesses sufficient technical, financial and managerial resources to provide resold interexchange telecommunications services in Illinois;
- (4) Applicant should file with the Commission a tariff consisting of its rates, rules and regulations in accordance with Sections 13-501 and 13-502 of the Act, to be effective upon proper filing, before commencing service;
- (5) with regard to Applicant's provision of interexchange service, Applicant should be granted a waiver from Parts 710 and 735 of 83 Ill. Adm. Code; such waiver will reduce the economic burden of regulation and is not inconsistent with the Act or purposes of Article XIII;

- (6) Applicant should establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission;
- (7) pursuant to 83 Ill. Adm. Code 250, Applicant should be allowed to maintain its books and records at its principal place of business in Michigan in accordance with Section 5-106 of the Act;

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Superior Technologies, Inc. d/b/a Superior Spectrum d/b/a Spectrum LD be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-404 of the Act for the resale of interexchange telecommunications service.

IT IS FURTHER ORDERED that the Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that Superior Technologies, Inc. d/b/a Superior Spectrum d/b/a Spectrum LD is authorized, pursuant to Section 13-404 of the Public Utilities Act, to provide the resale of interexchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that Applicant file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing before commencing service.

IT IS FURTHER ORDERED that 83 Ill. Adm. Code 710 and 735 be, and are hereby, waived as set forth in Finding (5) hereinabove.

IT IS FURTHER ORDERED that pursuant to 83 Ill. Adm. Code 250, Applicant is authorized to maintain its books and records at its principal place of business in Michigan.

IT IS FURTHER ORDERED that as a condition of this Certificate, Applicant be, and is hereby, directed to establish books of account such that revenues from its telecommunications services, subject to the public utility revenue tax, are segregated from the revenues derived from other business activities not regulated by the Commission.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 8th Day of January, 2003.

(Signed) KEVIN K. WRIGHT

Chairman